

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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THE UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

Plaintiff,

ORDER

ERIC PARKER,

(Mot Misc Relief – ECF No. 496)

Defendant.

Before the court is Defendant Eric Parker's Motion for Miscellaneous Relief (Possession of Thumb and Hard Drives) (ECF No. 496). The court has reviewed the Motion, the Government's Response (ECF No. 553), and Defendants Steven A Stewart, Mel D. Bundy, and Cliven D. Bundy's Motions for Joinder (ECF Nos. 501, 531, 542) which were granted in the court's Order (ECF No. 576).

Counsel for Parker seeks an order allowing access to a hard drive he has condensed from discovery received from the government so that Parker may review the discovery at the CCA facility in Pahrump where he is detained. Counsel expects that the government will make additional discovery available and believes providing his client with hard drives and/or thumb drives will be the most practical way to allow his client to review discovery. He states he visited his client and was told by CCA staff that due to a new internal policy, inmates are not allowed to possess hard drives without prior court approval. The government takes no position on the merits but states that communication with the USMS indicates approval may be obtained for such requests.

The court directed the U.S. Marshals Service to investigate and report the CCA Pahrump policies concerning access to discovery materials. The USMS reports that CCA does not require a court order to allow a detainee to have access to removable media such as an external hard

1 drive or thumb drives. However, CCA requires prior approval from the USMS through Senior
2 Inspector Steven Carpenter. The reason for this is to ensure that the requesting party is someone
3 known to the USMS as counsel of record who has a legitimate need to provide his client with
4 discovery via removable media. SI Carpenter has already approved a number of such requests.
5 A detainee is not allowed to keep removable media in his cell or dormitory but may access the
6 media in the law library. The law library has 17 computers, 13 of which also have access to
7 Lexis/Nexis. Detainees are allowed access to the law library 25 hours per week.

8 To obtain written approval for a client's access to removable media (hard drives and
9 thumb drives) loaded with discovery counsel should contact SI Steven Carpenter at 702-388-
10 6355. The USMS also reports that requests of this nature can be addressed directly by CCA,
11 and/or the USMS. Court orders are not necessary for routine requests of this nature.

12 Having reviewed and considered the matter,

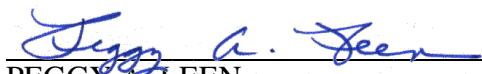
13 **IT IS ORDERED:**

14 1. Eric Parker's Motion for Miscellaneous Relief (Possession of Thumb and Hard
15 Drives) (ECF No. 496) is **GRANTED to extent counsel shall follow the procedure**
16 **outlined in this order to request USMS written approval to CCA Pahrump.**

17 2. Counsel for the Defendants shall attempt to resolve requests for access to discovery
18 and attorney-client visits directly with CCA and the USMS before filing formal
19 motions. Any motion for relief from this court shall provide a certification that
20 counsel made good faith efforts to resolve issues of this nature without court
21 intervention. The certification shall provide the details of the dates, times, persons
22 contacted, the substance of the discussions, and result.

23 3. Failure to comply with the requirements of this order may result in summary denial of
24 any future motion making requests of this nature

25 DATED this 8th day of July, 2016.

26
27 
28 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE